

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

RICKEY WHITE, )  
 )  
Petitioner, )  
 )  
vs. ) Case No. 4:13-CV-0764-FRB  
 )  
ANITA TRAMMELL, )  
 )  
Respondent. )

**MEMORANDUM AND ORDER**

This matter is before the Court upon Rickey White's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

**The Petition**

Petitioner, an Oklahoma state prisoner currently incarcerated at the Oklahoma State Penitentiary in McAlester, Oklahoma, seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner is challenging a conviction that arose in the Choctaw County District Court in Hugo, Oklahoma.

**Discussion**

Pursuant to 28 U.S.C. § 2241(a), “[w]rits of habeas corpus may be granted by the Supreme Court, any justice thereof, the district courts and any circuit judge within their respective jurisdictions.” The writ of habeas corpus acts upon the person holding the petitioner in what is alleged to be unlawful custody. Rheuark v. Wade, 608 F.2d 304, 305 (8th Cir. 1979). Therefore, jurisdiction of a petition for a writ of habeas corpus lies “either in the district of physical confinement or in the district in which a custodian against whom the petition is directed is present.”

In the case at hand, neither petitioner nor respondent is located within the geographic

boundaries of the Eastern District of Missouri.<sup>1</sup> Therefore, this Court does not have the authority to entertain the instant petition. The United States District Court for the Eastern District of Oklahoma does have authority to entertain this petition.

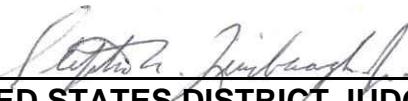
Under 28 U.S.C. § 1631, a court that finds it lacks jurisdiction to entertain a civil action may, if it is in the interest of justice, transfer such action to any other court in which the action could have been brought at the time it was filed. Because petitioner is proceeding pro se and seeks habeas relief, the Court believes it would be in the interest of justice to transfer this case to the United States District Court for the Eastern District of Oklahoma pursuant to § 1631.

Therefore,

**IT IS HEREBY ORDERED** that the Clerk shall **TRANSFER** the instant application for writ of habeas corpus pursuant to 28 U.S.C. § 2254 to the United States District Court for the Eastern District of Oklahoma pursuant to 28 U.S.C. § 1631.

A separate Order of Transfer shall accompany this Memorandum and Order.

Dated this 24th day of April, 2013.



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UNITED STATES DISTRICT JUDGE

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<sup>1</sup>The Oklahoma State Penitentiary is located in the State of Oklahoma, which, under 28 U.S.C. § 116(b), is located in the United States District Court, Eastern District of Oklahoma.